

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs,

CIVIL ACTION FILE

NO. 1:17-CV-2989-AT

vs.

BRAD RAFFENSPERGER, ET AL.,

Defendants.

VIDEO-RECORDED 30(b)(6) DEPOSITION
TAKEN VIA VIDEOCONFERENCE OF
GEORGIA SECRETARY OF STATES' OFFICE
BY: SANFORD MERRITT BEAVER

AND

SANFORD MERRITT BEAVER
IN HIS PERSONAL CAPACITY
(Taken by Plaintiffs)

Atlanta, Georgia

Wednesday, February 2, 2022

9:08 a.m.

Reported stenographically by
V. Dario Stanziola, CCR (GA)(NJ), RPR, CRR

1 right?

2 A. Correct.

3 Q. And Fortalice found vulnerabilities
4 with each of those two systems. But, again, no
5 evidence that data had been altered or extracted;
6 is that right?

7 A. Correct. And both were fixed.

8 Q. Right.

9 And measures were taken by the
10 Secretary's office sometime in that weekend when
11 this issue came to light to -- to mitigate both
12 of those vulnerabilities; is that right?

13 A. Yes. My best -- well, I know we fixed
14 the stuff right away that weekend, so...

15 Q. Okay. Did you -- were you given an
16 opportunity to review any of the public
17 statements that the Secretary's office put out or
18 any communications with the press about those
19 incidence before those statements were made?

20 A. Not that I recognize -- I mean,
21 remember. I mean, I focus on the IT
22 infrastructure press releases and all that media
23 kind of stuff is handled by the Secretary's front
24 office.

25 Q. Okay. And was there ever a time in the

1 that would be the -- the problem we had with the
2 MVP page where you could increment the number and
3 see other peoples' documents that they had
4 pulled, you know, up until a point that the
5 server clears cache.

6 Q. And was this -- sorry. Was this
7 remediated?

8 A. As far as I know, it was remediated
9 fairly quickly because we explained to them how
10 to fix it.

11 Q. And what's the basis for your
12 understanding that it was remediated?

13 A. It seems to me I had a conversation
14 with Dave afterwards that he had worked with them
15 to -- to understand -- you know, explain to them
16 what it was to fix. I think they actually pulled
17 the page down until they could fix it.

18 (Exhibit 16: E-mail string with the top
19 from Chris Harvey dated 12/30/2020 marked
20 for identification, as of this date.)

21 Q. Okay. All right. Grab Exhibit 16,
22 please.

23 A. Chris Harvey, voter registration
24 certificate.

25 Q. Yes.

1 So this is an e-mail you can see that
2 Chris Harvey received on December 30th, 2020.

3 Do you see that from Ryan Germany?

4 A. Yes, yes.

5 Q. And if you come down the beginning of
6 the thread it begins with an e-mail that Dave
7 Hamilton sent on December 24, 2020.

8 Do you see that?

9 A. Yes.

10 Q. And he sends that to you and Mr.
11 Germany at the Secretary's office, right?

12 A. Okay.

13 Q. And the subject line is 2020 rule
14 590-8-3 attestation and assessment.

15 Do you see that?

16 A. Yes.

17 Q. And this concerns the assessment
18 attestation or certification that the Secretary's
19 office has to put out each year, it's a security
20 risk assessment that the Secretary has to attest
21 to each year, right?

22 A. Yes.

23 Q. And so Mr. Hamilton looks like was
24 handling the attestation in December of 2020.

25 Do you recall that?

1 A. I know it gets done every year, so --
2 and it needs to be the done the first -- by the
3 end of the year or at least before -- you know,
4 early on. I think the target is by the end of
5 December.

6 Q. Okay. So do you see here --

7 A. I vaguely remember this.

8 Q. Okay. You see Mr. Hamilton writes
9 Civix just got me the last two artifacts for
10 this; do you see that?

11 A. Yes.

12 Q. What is Civix?

13 A. Civix is PCC. PCC changed their name
14 to Civix.

15 Q. Okay. And he goes on, They apparently
16 have never completed a security risk assessment.

17 Do you see that?

18 A. Yes.

19 Q. And do you have any reason to believe
20 that Mr. Hamilton was wrong about whether Civix
21 or PCC had ever completed a security risk
22 assessment?

23 MR. DENTON: Objection.

24 A. I can't speak to that.

25 Q. Okay.

1 A. I know he -- Dave was a hard-core
2 security person and he didn't like -- he was
3 basically -- was very much this is how he felt
4 things should be done. People doing something a
5 different way rubbed him. So this doesn't
6 surprise me.

7 Q. And Hamilton was the chief information
8 security officer while he was at the Secretary's
9 office, right?

10 A. Yes.

11 Q. Okay.

12 A. He did a good job.

13 Q. If you come to the second paragraph, do
14 you see he writes, Hope this suffices. I did my
15 level best to meet all of these items. Not sure
16 how James ever signed this with a straight face.

17 Do you see that?

18 A. Yep.

19 Q. And by James he's referring to James
20 Oliver, the former security manager, right?

21 A. Yes.

22 Q. And did you share Mr. Hamilton's
23 concern about how James Oliver was able to sign
24 this attestation in prior years?

25 A. As I said --

1 MR. DENTON: Objection.

2 A. -- Dave was a -- I'll say a
3 perfectionist. He was very judgmental of other
4 people. And if they didn't do things his way, he
5 wasn't satisfied. There are lots of people in
6 the securities world. Dave was a very hard-core
7 and that he had his vision of how things should
8 be done. Not that his was the only way to do
9 something, but he had his way and he spoke his
10 mind. Here he is speaking his mind. Whether or
11 not James actually met the level of the law, I
12 felt he did.

13 Now, did Dave have a harder view on
14 things and drive the organization better? Yeah,
15 he did. That's why he essentially replaced
16 James. But James did what he was supposed to do.
17 He worked within the legal law of what
18 requirements were. Dave was unhappy with Civix
19 because he -- his view on security was one thing
20 and they had a different. Security is a broad
21 topic. Dave was very opinionated and he
22 basically would voice his opinion all the time.
23 So you're reading it.

24 Q. And the concern that Dave Hamilton
25 expresses in this e-mail thread is that the --

1 the Secretary of State is actually not in
2 compliance with the rule at this time because he
3 can't find the evidence, what he calls artifacts,
4 of that compliance, right?

5 MR. DENTON: Objection.

6 A. Yeah. He doesn't say here what the
7 artifacts are. I know he and I have talked about
8 this on multiple occasions. As I said, he was a
9 perfectionist. The attestation applies only,
10 only to the voting -- voter registration system,
11 the election system. Dave felt it should apply
12 to all things that the Secretary of State
13 managed. But the attestation specifically only
14 applied to election. So Dave was always on a --
15 on a course to say we should have things like
16 artifacts that cover everything, whether it's the
17 corporate registration system, whether it is the
18 security system, professional licensing system.
19 He felt all of them should fall under the same
20 level of security that elections did. But the
21 attestation clearly does not include anything but
22 elections. And that was always a rub to Dave.

23 Does that answer your question?

24 Q. I think so. I was going to grab
25 another exhibit for you.

1 A. Oh, all right I didn't -- one of those
2 pregnant pause moments --

3 Q. Yes. Sorry.

4 (Exhibit 17: E-mail string with the top
5 from Dave Hamilton dated 12/21/2020 marked
6 for identification, as of this date.)

7 Q. All right. Grab Exhibit 17.

8 A. This looks like it's the same topic.

9 Q. Yes, yes, a little bit earlier. So I
10 wanted to -- a little more context.

11 So if you go to the top, you'll see
12 this is an e-mail that Dave Hamilton sent you on
13 December 21, 2020 regarding the rule 590 -- or
14 the 590 rule attestation, right?

15 A. Okay.

16 Q. If you come down in the earliest e-mail
17 of the thread is an e-mail that Mr. Hamilton
18 sends to you December 19, 2020 and he copies
19 itsecurity@sos.ga.gov.

20 Do you see that?

21 A. Yes.

22 Q. What is the IT security e-mail there?
23 Is that some sort of like team or group
24 distribution list?

25 A. It's just an e-mail box that if we

1 have, like, vendors sending reports, like
2 Cybraics is one of our monitoring systems. It
3 monitors network traffic between nodes inside the
4 network. It sends out a regular e-mail of alerts
5 of activity and stuff like that. Rather than
6 having it go to a specific security person, it
7 goes to a security -- IT security mailbox that
8 all of the security people see.

9 Q. Okay. Do you know whether that e-mail
10 in box was searched for relevant e-mails for this
11 case?

12 A. If we do a search on 365, it's
13 included, which would be the answer is yes, it
14 was included.

15 Q. Meaning if they did a search on 39- --
16 365 that it encompassed that e-mail advice?

17 A. It should, yes.

18 MR. DENTON: Objection.

19 Q. Okay. All right. So Mr. Hamilton
20 writes here regarding this rule attestation in
21 the first sentence and started after the comma,
22 he writes, I really don't understand how my
23 predecessor was ever able to attest to meeting
24 the set of regulations. I handled this just like
25 an assessment. If we can't come up with an

1 artifact that proves something is real, it
2 doesn't exist.

3 Do you see that?

4 A. Yep.

5 Q. And do you agree with Mr. Hamilton, the
6 former CISO's position, that for the attestation
7 provided by this rule, that if you cannot come up
8 with an artifact that proves that something is
9 real, it doesn't exist?

10 A. This is the same response I gave the
11 last one, which is he had a view of an
12 attestation that was broader than the rule
13 actually is written for. And he was trying to
14 position that we should cover all systems under
15 that attestation, thus find artifacts that
16 basically mark our -- you know, that we meet the
17 590 rule across every system. Well, there are
18 things that are in 590 that the other systems
19 don't necessarily do. I don't have that list.
20 But I know that that's part -- that was his big
21 rub. And so that's -- he's -- this was probably
22 his -- one of his early sort of discoveries as
23 he's trying to go through that list and find
24 those artifacts. And he's looking for them for
25 systems outside of what 590 truly covers, which

1 is the election system, and he can't find them.
2 Because they don't exist because not everything
3 that's in 590 applies to all systems for
4 Secretary of State. He wanted them to, but they
5 didn't. So he was frustrated.

6 Q. So if you come up to the e-mail that he
7 sent you on December 21 and come down towards the
8 bottom of the page, you see that paragraph that
9 begins on our part, we did everything?

10 A. Yes.

11 Q. And then the third line at the end he
12 writes, My plan was to produce an amendment
13 shortly after the first of the year. Once E-Net
14 lands and I can verify the risk gaps are
15 minimized.

16 Do you see that?

17 A. No. I've lost you. I'm down on the
18 first -- bottom of the first page.

19 Q. Yeah, the paragraph that reads, on our
20 part.

21 A. Oh, yeah. Okay. We did everything we
22 could to meet these rules.

23 Q. Come to the end of the third line, the
24 sentence begins my plan.

25 A. The one that says, My plan has to

1 produce an amendment?

2 Q. Yes.

3 Do you know what was meant by once
4 E-Net lands?

5 A. No.

6 Q. Was there any change contemplated with
7 E-Net at this time that you recall?

8 A. No. I don't know of any.

9 Q. Okay. And then he then goes on -- he
10 goes on to the third paragraph -- the next
11 paragraph -- two paragraphs after that. You see
12 where it reads, the largest impact? And he
13 writes, The largest impact can be made by getting
14 Civix to produce their part of this. We can go
15 from 66 percent up to over 80 percent quickly.

16 Do you see that?

17 A. Yep.

18 Q. And what Mr. Hamilton found at this
19 time, was it looking only at PCC or what he
20 refers to here as Civix, the state was only --
21 only at 66 percent in compliance with what's
22 required under this rule, right?

23 A. I don't know the context.

24 Q. What do you mean you don't know the
25 context? This is an e-mail that he sent to you?

1 A. Yes. But he's saying we can go from 66
2 up to over 80 quickly. I don't know whether he's
3 talking about the context of Civix in like --
4 like we talked earlier, fixing their code so that
5 they can't do sequel injection and things like
6 that so we don't have to use external tools to
7 remediate, that could very well be where he is.
8 Because that was also a big thing is he wanted
9 them to fix their code so it was a true fix, not
10 a remediation using a different solution. That
11 could very well be where he's talking. And if
12 you notice this date timeline is all around that
13 same time frame.

14 Q. Okay. But do you understand that the
15 concern he was expressing was that with respect
16 to what PCC was handling, the state was only in
17 compliance with 66 percent of the requirements
18 under the rule based on --

19 MR. DENTON: Objection.

20 Q. -- research he had done?

21 A. I see that. As I said, Civix code did
22 not meet some of the requirements that we had to
23 have from security inspection. So we had to put
24 things in front of it to reach the level of
25 security we needed. He was a truest. He wanted

1 the code to do it on its own.

2 So we've already talked about this
3 topic of Civix couldn't fix their code to do what
4 it is because it would break it. And they would
5 have to do a major rewrite to do what really
6 needed to do to fix the sequel injection, the
7 cross-side scripting, those kind of things.

8 Q. Okay.

9 A. They didn't like the fact that we had
10 to use other tools like Cloudflare to fix
11 problems to meet our attestation levels. He
12 wanted to see them -- like he said, we could
13 quickly get there if Civix would just fix this.
14 We knew that. But we couldn't -- we -- get them
15 to fix it.

16 Q. All right.

17 A. It was a point of frustration for him.

18 Q. The Secretary's office has announced
19 that they're actually moving away from E-Net,
20 right?

21 A. Yes.

22 Q. And why is that?

23 A. It's an old system, to start with.
24 Civix has changed vendors -- or has been
25 purchased I think at least twice, maybe three

1 times in the last four years, four or five years.

2 Q. When was the decision made to move away
3 from E-Net?

4 A. Last year.

5 Q. Who made that decision?

6 A. Front office.

7 Q. And by front office who do you mean?

8 A. Secretary.

9 Q. Oh, Secretary Raffensperger?

10 A. Yes. Those kind of decisions, it comes
11 down to him to make the call. We present
12 proposals and it's up to him to say yay, nay.

13 Q. What --

14 A. It's a big decision.

15 Q. Sorry.

16 A. Yeah, that was a big, big decision.

17 Q. What were those specific reasons that
18 he decided to move -- to replace E-Net?

19 A. One was the age, one was the ability
20 for us to get, like this, certain fixes put in
21 place that we wanted to see. Some of it was
22 security related, some was just functionality
23 related. The application was built I think like
24 in 2012 when we first purchased it. And the --
25 but the actual application was probably built a

1 year or two before that. So the core code was
2 ten years old. Getting very old. Technology has
3 changed. So it was time to look at another
4 solution. We were in the process of also looking
5 at some of our other systems and we decided to do
6 basically an overall refit of everything.

7 Q. What's the new solution that you're
8 bringing in in place of E-Net?

9 A. I think they've announced -- already
10 announced that it's Salesforce based.

11 Q. And will that be a cloud solution
12 hosted by Salesforce?

13 A. Yes.

14 Q. Okay. What's the process for migrating
15 data from E-Net to Salesforce; do you know?

16 A. It hasn't been done yet. We're in the
17 process of trying to come up with a migration
18 plan.

19 (Exhibit 18: 2020 Security of the voter
20 registration system artifacts and
21 attestation pursuant to Rule 590-8-3-.01
22 December 18, 2020 marked for
23 identification, as of this date.)

24 Q. All right. Grab Exhibit 18, please.

25 A. 2020 security of voter registration

1 system, artifacts and attestation.

2 Q. Yeah, so we're still on the same
3 subject of the same time frame of the e-mails we
4 were looking at between you and Mr. Hamilton
5 about this rule attestation.

6 Do you see that?

7 A. Yes.

8 Q. And this is dated December 18, 2020.
9 Do you see that on the front page?

10 A. Yes, I've got it.

11 Q. And if you come down to the bottom of
12 the cover page, do you see David Hamilton's
13 signature is there next to CISO?

14 A. You're saying all the way to the
15 bottom?

16 Q. If you just go to the bottom of the
17 first page. Not the end of the whole document.

18 A. Oh, bottom of the first page. Sorry, I
19 went to the bottom of the document.

20 Q. Yeah, sorry.

21 Bottom of the first page, you'll see
22 his signature there.

23 A. Yeah.

24 Q. So okay. I'm sorry, you said yes?

25 A. Yes, I did.

1 Q. And then have you seen this before?

2 Is this -- do you recall him
3 circulating this to you?

4 A. He probably copied me on it. I don't
5 know that I read it completely. I can tell you
6 at 40 some pages I doubt I read the whole thing.

7 Q. Okay.

8 A. We probably talked through it.

9 Q. If you come to page 6 of the PDF,
10 you'll see it says Executive Summary.

11 Do you have that?

12 A. I'm looking for -- what year -- you
13 don't know what page that is, do you?

14 Q. Page 6. If you look in the bottom
15 right corner, it's page 6. And at the top it
16 says, Executive Summary.

17 A. Got it. Yep.

18 Q. And here in the second paragraph it
19 states, Currently our agency does not, not is in
20 all caps, meet the requirements of the rule. Out
21 of the 38 requirements, we only meet 66 percent.
22 Most short falls are Civix related. If we accept
23 their items, we are at 81 percent, which is
24 better.

25 Do you see that?

1 A. Yes.

2 Q. And if you come down below that, do you
3 see the dashboard?

4 A. Yes.

5 Q. And under -- it's got a -- a subsection
6 of the rule, a description and then status,
7 whether it's met, fully met, partially met not
8 met or an exception.

9 Do you see that?

10 A. Yes.

11 Q. And am I reading this right that what
12 -- what's indicated in the dashboard below, that
13 indicates what Mr. Hamilton concluded about
14 whether some -- each particular subsection of the
15 rule is met at this time?

16 A. Yes. That's his perspective.

17 Q. Okay. All right. We've been going a
18 while. Why don't we take another short break,
19 Mr. Beaver, and then we'll -- we'll get you out
20 of. Sorry, you need to leave by 4:15; is that
21 right?

22 A. Yes.

23 Q. Okay. All right. Let's take a short
24 break.

25 THE VIDEOGRAPHER: The time is 2:24.

REPORTER'S CERTIFICATE

I, V. Dario Stanziola, a Certified Court Reporter in the State of Georgia, duly commissioned and authorized to administer oaths and to take and certify depositions, do hereby certify that on Wednesday, February 2, 2022, Sanford Merritt Beaver, being by me personally duly sworn to tell the truth, thereupon testified as above set forth as found in the preceding pages, this examination being recorded stenographically by me verbatim and then reduced to typewritten form by me, that the foregoing is a true and correct transcript of said proceedings to the best of my ability and understanding; that I am not related to any of the parties to this action; that I am not interested in the outcome of this case; that I am not of counsel nor in the employ of any of the parties to this action.

IN WITNESS WHEREOF, I have hereto set my hand, this the 8th day of February 2022.



V. DARIO STANZIOLA, CCR (GA) (NJ), RPR, CRR
Certification Number: 4531-3928-0743-6288

SLIPSHEET

Page 1

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ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs,

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CIVIL ACTION FILE
NO. 1:17-CV-2989-AT

BRAD RAFFENSPERGER, ET AL.,

Defendants.

VIDEOTAPED ZOOM DEPOSITION OF
MICHAEL BARNES

February 11, 2022

9:04 A.M.

Lee Ann Barnes, CCR-1852B, RPR, CRR, CRC

1 and accuracy testing on the old DRE system.

2 Is there other testing that was done to
3 look for malware or some other compromise of the DRE
4 system, to your knowledge?

5 A. I -- I do not recall at this moment.

6 Q. Do you know why the Secretary's office
7 never performed any forensic examination of any of
8 the DRE voting equipment or the -- or the servers,
9 the GEMS servers?

10 MS. LaROSS: Objection to the form of the
11 question.

12 THE WITNESS: No, sir, I do not.

13 BY MR. CROSS:

14 Q. Who would make that decision on whether to
15 conduct that type of examination?

16 A. I believe that would be a decision that
17 would be made by the Secretary.

18 Q. Do you know if there was ever discussion
19 or consideration of that type of examination of the
20 old system?

21 A. I do not know.

22 Q. Who would you ask if you wanted to know?

23 A. I -- I would ask, most likely, our general
24 counsel.

25 Q. Is that Ryan Germany?

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LEE ANN BARNES, CCR B-1852B, RPR, CRR, CRC